

Assembly Bill No. 2333

Passed the Assembly August 22, 2012

Chief Clerk of the Assembly

Passed the Senate August 20, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 19920 to the Penal Code, relating to BB devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 2333, Solorio. BB devices.

Existing law provides that furnishing a BB device to a minor without the express or implied consent of the minor's parent or legal guardian is a misdemeanor.

This bill would provide that any person who keeps a BB device within any premises that is under the person's custody or control, who knows or reasonably should know that a minor is likely to gain access to that BB device without the permission of the minor's parent or legal guardian, and a minor obtains access to that BB device and thereafter carries the BB device off-premises and openly displays or exposes the BB device in a public place in violation of provisions of existing law, may be subject to a written warning for the first instance, a civil fine of \$100 for the 2nd instance, and a civil fine of \$200 for the 3rd or subsequent instance. The bill would provide that a written warning or civil fine issued or imposed pursuant to these provisions may be imposed and administered only by a local governmental entity acting under the authority of a city, county, or city and county.

The people of the State of California do enact as follows:

SECTION 1. Section 19920 is added to the Penal Code, to read:

19920. (a) Any person who keeps a BB device within any premises that are under the person's custody or control, who knows or reasonably should know that a minor is likely to gain access to that BB device without the permission of the minor's parent or legal guardian, and a minor obtains access to that BB device and thereafter carries the BB device off-premises and openly displays or exposes the BB device in a public place in violation of Section 20170, may be subject to the following by a local governmental entity:

(1) For the first instance, a local governmental entity may issue a written warning.

(2) For the second instance, a local governmental entity may impose a civil fine not to exceed one hundred dollars (\$100).

(3) For a third or subsequent instance, a local governmental entity may impose a civil fine not to exceed two hundred dollars (\$200).

(b) A written warning or civil fine issued or imposed pursuant to this section may only be imposed and administered by a local governmental entity acting under the authority of, and at the discretion of, a city, county, or city and county.

(c) If a local governmental entity chooses to impose a fine pursuant to this section, it shall provide notice to the person to be fined of the alleged violation, including a description of the conditions that gave rise to the allegation.

(d) As used in this section, “off-premises” means premises other than the premises where the BB device was stored.

Approved _____, 2012

Governor